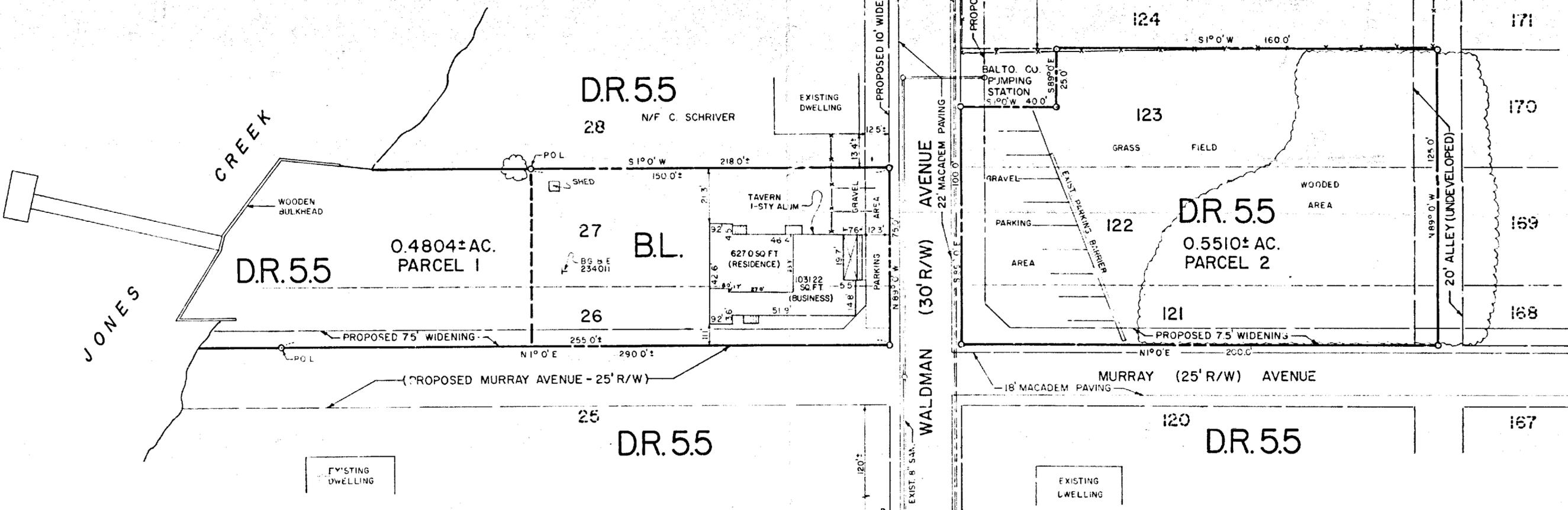
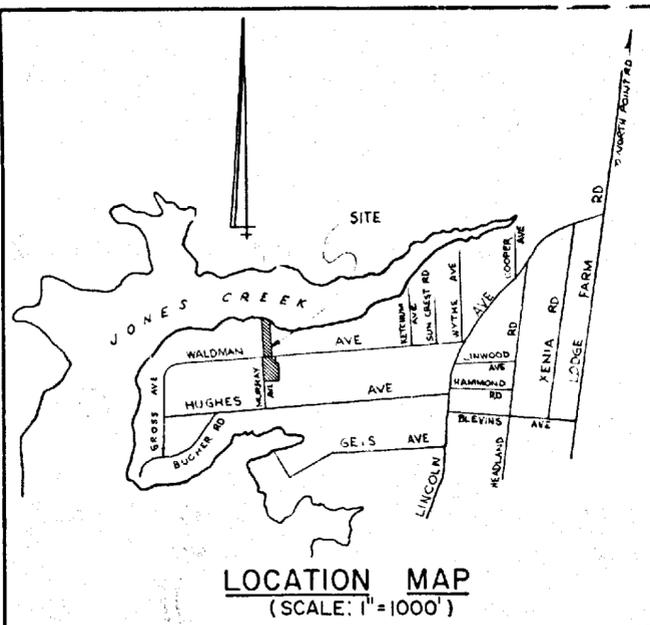


GENERAL NOTES

1. GROSS ACREAGE: 1.0314±
2. OWNER: BYRON A. McCALMONT
3. DEED REFERENCE: LIBER 5406 FOLIO 760
4. EXISTING ZONING: B.L. and DR-5.5
5. ADJACENT ZONING: DR-5.5
6. SANITARY SEWER: EXISTING
7. WATER SERVICE: EXISTING
8. ALL BEARINGS ASSUMED
9. UTILITY PLAN REFERENCE: 64-830
10. PARKING AREA HAS BEEN EXISTING AS SHOWN SINCE WELL PRIOR TO 1945 ON PARCEL 2.
11. PARKING SPACE CALCULATION:
1031.22 ÷ 50 = 20.6 (21 SPACES)
12. PLAT BOOK REFERENCE: 5/36-37
13. THE TAVERN AND BAR USE, INCLUDING PARKING, HAS BEEN IN CONTINUOUS EXISTENCE SINCE WELL PRIOR TO 1945 ON PARCEL 1.



○ - DENOTES IRON PIPE SET

PLAT TO ACCOMPANY SPECIAL HEARING FOR
NON-CONFORMING USE OF TAVERN AND PARKING AREAS
LOTS 26, 27, 121, 122, and 123
"CHESAPEAKE TERRACE"
15TH ELECTION DISTRICT BALTIMORE COUNTY MARYLAND

PLANS APPROVED
OFFICE OF PLANNING & ZONING
DATE: 8/15/80
81-90 SPH



HEAD	
ENGINEERING AND SURVEYS OF MARYLAND, INC. 6902 NORTH POINT ROAD BALTO., MD. 21219	
SCALE: 1" = 30'	JOB NUMBER: 180211
DATE: AUG. 7, 1980 REV. AUG. 12, 1980 / NOV. 7, 1980 / MAR. 4, 1981	DRAWING BY: J.C. RUSS, JR.

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, BYRON A. McCALMONT legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve and find that the two (2) properties of the Petitioner enjoy and are nonconforming uses for bar, tavern and bar and tavern parking purposes

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser Newton A. Williams Legal Owner Byron A. McCalmont
 Address Newton A. Williams Address 7300 Waldman Avenue
Newton A. Williams and Nolan, Plumhoff & Williams Baltimore, Maryland 21219
204 W. Pennsylvania Avenue Petitioner's Attorney Protestant's Attorney
 Towson, Md. 21204 (823-7800)

ORDERED By the Zoning Commissioner of Baltimore County, this 9th day of September 1980, that the subject matter of this petition as advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of October 1980, at 9:00 o'clock A.M.

[Signature]
 Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
 DATE October 8, 1980
 BY John L. Wimbley
 Administrative Assistant

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

BYRON A. McCALMONT, 81-96-55-151
 NE/C & SE/C Waldman & Murray Aves.
 15th

81-96-55-151
 05-04-80

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 16, 1980

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

Newton A. Williams, Esquire
 Nolan, Plumhoff & Williams
 204 West Pennsylvania Avenue
 Towson, Maryland 21204

Chairman
 Nicholas B. Comodari

MEMBERS
 Bureau of Engineering
 Department of Traffic Engineering
 State Roads Commission
 Bureau of Fire Prevention
 Health Department
 Project Planning
 Building Department
 Board of Education
 Zoning Administration
 Industrial Development

RE: Item No. 50
 Byron A. McCalmont
 Special Hearing Petition

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your client's proposal to prove that the existing properties, located on the northeast and southeast corners of Waldman and Murray Avenues in the 15th Election District, are non-conforming uses for a tavern and accessory parking area, respectively, this Special Hearing is required.

Particular attention should be afforded to the comments of the Department of Permits and Licenses, while revised site plans, reflecting the comments of the Office of Current Planning, should be submitted prior to the scheduled hearing.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Comodari
 NICHOLAS B. COMODARI, Chairman
 Zoning Plans Advisory Committee

ENCLOSURE
 cc: Head Engineering
 6902 North Point Road
 Baltimore, Maryland 21219

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
 TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
 DIRECTOR

October 7, 1980

Mr. William E. Hammond
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

RE: Item #50 (1980-1981)
 Property Owner: Byron A. McCalmont
 N/E cor. and S/E cor. Waldman Ave. and Murray Ave.
 Acres: Parcel #1 - 0.4804 and Parcel #2 - 0.5510
 District: 15th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:
 As indicated, this property comprises Lots 26, 27, 121, 122 and 123 of the plat "Chesapeake Terrace Section B", recorded W.P.C. 5, Folios 36 and 37.

Subdivision of property within Baltimore County is subject to Baltimore County Subdivision Regulations.

Highways:
 Waldman and Murray Avenues, public roads shown on the above referred to recorded plat, are proposed to be improved in the future as 30-foot closed section roadways on 50 and 40-foot rights-of-way, respectively. Highway rights-of-way widenings, including fillet areas for sight distance at the intersection and any reversible easements for slopes as necessary, will be required in connection with any grading or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:
 Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #50 (1980-1981)
 Property Owner: Byron A. McCalmont
 Page 2
 October 7, 1980

Storm Drains:
 Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problems which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

All of this property northerly of the south side of Waldman Avenue is below elevation 10 (Baltimore County Datum), subject to possible inundation by the waters of Green Creek.

The property to be developed is located adjacent to tidewaters. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed where elevation limitations are placed on the lowest floor (including basement) and other special construction features are required.

Water and Sanitary Sewer:
 There is public 8-inch water main and public 8-inch sanitary sewerage in Waldman Avenue.

Very truly yours,
Charles L. Diver
 ELLESWORTH N. DIVER, P.E.
 Chief, Bureau of Engineering

END:EM:FWR:rs
 cc: R. Morton
 J. Somers
 D. Grise

A-VE & NW Key Sheets
 26 & 27 SE 31 Pos. Sheets
 SE 7 H Topo
 111 Tax Map

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
 TOWSON, MARYLAND 21204
 494-3211

NORMAN E. GERDER
 DIRECTOR

October 6, 1980

Mr. William Hammond, Zoning Commissioner
 Zoning Advisory Committee
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #50, Zoning Advisory Committee Meeting, September 9, 1980, are as follows:

Property Owner: Byron A. McCalmont
 Location: NE cor and SE cor. Waldman Avenue and Murray Avenue
 Acres: Parcel #1 - 0.4804 and Parcel #2 - 0.5510
 District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

Screening and paving should be provided for in accordance with Section 409 of the Zoning Regulations.

The site plan should be revised to show wheel tops or curbing with the proper driveways.

Very truly yours,
John L. Wimbley
 John L. Wimbley
 Planner III
 Current Planning and Development

BALTIMORE COUNTY
FIRE DEPARTMENT
 TOWSON, MARYLAND 21204
 825-7310

PAUL H. RENCKE
 CHIEF

October 21, 1980

Mr. William Hammond
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21204

Attention: Nick Comodari, Chairman
 Zoning Plans Advisory Committee

RE: Property Owner: Byron A. McCalmont
 Location: NE/Cor. & SE/Cor. Waldman Ave. & Murray Avenue
 Item No.: 50 Zoning Agenda: Meeting of September 9, 1980

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below, marked with an "X", are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards, as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

Noted and Approved: *George M. McEgnett*
 GEORGE M. MCEGNETT, Chief
 FIRE PREVENTION BUREAU

REVIEWER: *[Signature]* 9/31/80
 PLANNING GROUP SPECIAL INSPECTION DIVISION

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
 TOWSON, MARYLAND 21204
 494-3610

TED ZALESKI, JR.
 DIRECTOR

September 16, 1980

Mr. William E. Hammond, Zoning Commissioner
 Office of Planning and Zoning
 County Office Building
 Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #50 Zoning Advisory Committee Meeting, September 9, 1980 are as follows:

Property Owner: Byron A. McCalmont
 Location: N/E corner & SE corner Waldman Avenue and Murray Avenue
 District: 15th
 Proposed Zoning: S.L. and D.R. 5.5
 Special Hearing to approve a non-conforming use for a bar, tavern and bar and tavern parking.

Acres: Parcel #1 - 0.4804 & Parcel #2 - 0.5510
 District: 15th

The items checked below are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1976, the State of Maryland Code for the Handicapped and Amd. #4 and other applicable Codes.
- B. A building/_____ permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
- F. Requested variance conflicts with the Baltimore County Building Code, Section's _____
- G. A change of occupancy shall be applied for, along with an alteration permit application, and these required set a of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 210.
- X. I. Comments: It would appear Section 105.1 is applicable here as the earliest Building Code I am aware of was 1916. However the exits and the other safety features shall be made to comply with the applicable Building and Fire Code. An inspection should be requested to verify they do properly exist. If new work is done, these comments reflect only the information provided by the structure, are not intended to be construed as the full extent of any permit. Anticipated please submit to the office of Planning and Zoning and are anticipated please. If desired additional information may be obtained by visiting Room #102 review Section 319.0 as amended in (Plans Review) at 111 West Chesapeake Ave., Towson. Bill #199-79.

Very truly yours,
Charles L. Diver
 Charles L. Diver, Chief
 Plans Review

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts, the nonconforming use being conducted on the property as a bar, tavern and bar, and parking will not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 8th day of December, 1980, that a nonconforming use for a bar, tavern and bar, and parking has existed and has been conducted on the property prior to the adoption of the Baltimore County Zoning Regulations and, as such, should be GRANTED the right to continue from and after the date of this Order, subject, however, to the following restrictions:

1. General Note No. 14 and the proposed parking barrier shall be deleted from the site plan.
2. The location and square footage of the residential apartment shall be designated on the site plan.
3. A revised site plan, incorporating the above applicable restrictions, shall be submitted and approved by the Department of Public Works and the Office of Planning and Zoning.

Jean M. H. Jung
Deputy Zoning Commissioner of Baltimore County

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19 __, that the herein Petition for the aforementioned Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE December 8, 1980
BY *Steph. J. Nolan*
Deputy Zoning Commissioner

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent Towson, Maryland - 21204

Date: September 5, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: September 9, 1980

RE: Item No: 48, 49, 50, 51
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
Mr. Nick Petrovich
Mr. Nick Petrovich, Assistant
Department of Planning

WNP/bp

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
NE corner and SE corner of Waldman
and Murray Avenues, 15th District : OF BALTIMORE COUNTY
BYRON A. McCALMONT, Petitioner : Case No. 81-90-SPH

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman *John W. Hessian, III*
Peter Max Zimmerman John W. Hessian, III
Deputy People's Counsel People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2163

I HEREBY CERTIFY that on this 3rd day of October, 1980, a copy of the foregoing Order was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hessian, III
John W. Hessian, III

Re: PETITION FOR SPECIAL HEARING : BEFORE THE
Northeast Corner and Southeast : ZONING COMMISSIONER
Corner of Waldman and Murray : OF BALTIMORE COUNTY
Avenues, 15th District : OF BALTIMORE COUNTY
BYRON A. McCALMONT, Petitioner : Case No. 81-90-SPH

SUBPOENA

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

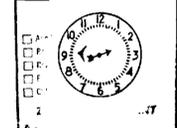
To: CLARA S. SCHRIVER
7302 Waldman Avenue
Baltimore, Maryland 21219
(Baltimore County)

You are hereby summoned to appear in person before the Zoning Commissioner of Baltimore County, Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland on Thursday, October 30, 1980 at 9:45 a.m. to testify for Byron A. McCalmont, Petitioner, whose attorney is Stephen J. Nolan, 204 West Pennsylvania Avenue, Towson, Maryland (Telephone 823-7800).

Issued this 27th day of October, 1980. Witness the Honorable William E. Hammond, Zoning Commissioner for Baltimore County, Maryland.

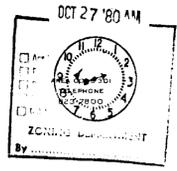
William E. Hammond

OCT 27 '80 AM



LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS
TOWSON, MD.

LAW OFFICES OF
NOLAN, PLUMHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204



JAMES D. NOLAN
J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. RENNER
KENNETH H. MASTERS
STEPHEN J. NOLAN
WILLIAM P. ENGLEHART, JR.

October 27, 1980

HAND DELIVERED

The Hon. William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing,
Northeast Corner and Southeast
Corner Waldman and Murray Avenues
Byron A. McCalmont, Petitioner
Case No. 81-90-SPH.

Dear Commissioner Hammond:

I hereby request that you issue a witness Summons for Clara S. Schriver, whose address is 7302 Waldman Avenue, Baltimore, Maryland 21219, commanding her to appear at the hearing in the above entitled case on Thursday, October 30, 1980 at 9:45 a.m. I am hand delivering herewith a typed Subpoena and I plan to have the same served on Mrs. Schriver by the Sheriff after it has been properly issued.

Thanking you for your kind assistance, I am

Very truly yours,

Stephen J. Nolan
Stephen J. Nolan

SJN/hl
cc: John W. Hessian, III, Esquire
People's Counsel

Byron A. McCalmont

LAW OFFICES OF
NOLAN, PLUMHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204



October 27, 1980

HAND DELIVERED

The Hon. William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing,
Northeast Corner and Southeast
Corner Waldman and Murray Avenues
Byron A. McCalmont, Petitioner
Case No. 81-90-SPH.

Dear Commissioner Hammond:

I hereby request that you issue a witness Summons for Clara S. Schriver, whose address is 7302 Waldman Avenue, Baltimore, Maryland 21219, commanding her to appear at the hearing in the above entitled case on Thursday, October 30, 1980 at 9:45 a.m. I am hand delivering herewith a typed Subpoena and I plan to have the same served on Mrs. Schriver by the Sheriff after it has been properly issued.

Thanking you for your kind assistance, I am

Very truly yours,

Stephen J. Nolan
Stephen J. Nolan

SJN/hl
cc: John W. Hessian, III, Esquire
People's Counsel

Byron A. McCalmont

LAW OFFICES OF
NOLAN, PLUMHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 301
TELEPHONE
823 7800

November 5, 1980

HAND DELIVERED

The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
For Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing
NE/C & SE/C of Waldman Avenue and Murray Avenue
Byron A. McCalmont - Case No. 81-90-SPH

Dear Commissioner Jung:

On Thursday, October 30, 1980, at the hearing in the above-entitled case you requested that the petitioner, Byron A. McCalmont, furnish you within one week after the hearing his response concerning two questions raised at the hearing.

Specifically, we were asked whether we would delete Note No. 14 from the General Notes as contained on the plat which was submitted as Petitioner's Exhibit 2 at the hearing, which is the plat prepared by Head Engineering dated August 7, 1980 and revised August 12, 1980. With respect to this item, petitioners will proceed to have Note No. 14 deleted and we shall have a revised and corrected plat submitted in the file of this case.

The second open question which you requested we address concerned the proposed parking barrier as shown on the afore-described plat (Petitioner's Exhibit 2) which proposed parking barrier was depicted on Lots 122 and 123 of the Chesapeake Terrace subject property. We have discussed this matter with our client and wish to advise you that we are abandoning our proposal to move the parking barrier as had been shown on the plat, and we will not disturb the location of the existing parking barrier. Therefore, the revised and corrected site plan which will be submitted shall not show any proposed parking barrier in the aforesaid Lots 122 and 123.

The Honorable Jean M. H. Jung - 2 - November 5, 1980
Re: Case No. 81-90-SPH

It is my understanding that the Commissioner stated that an affirmative ruling would be passed and the petition will be granted if the above-described deletions are made.

Thanking you for the opportunity to respond to the open questions herein discussed, I am

Respectfully,

Stephen J. Nolan
Stephen J. Nolan

SJN:jka

cc: John W. Hessian, III, Esquire
Wallace Kleid, Esquire
Mr. Byron A. McCalmont
Mr. Robert A. Coster

WILLIAM E. HAMMOND
ZONING COMMISSIONER

December 8, 1980

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
NE and SE corners of Waldman Avenue
and Murray Avenue - 15th Election
District
Byron A. McCalmont - Petitioner
NO. 81-90-SPH (Item No. 50)

Dear Mr. Williams:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

DESCRIPTION

ALL the certain lots, pieces or parcels of land herein designated as Parcels One and Two as shown on the PLAT attached hereto, intended to be submitted herewith and being more particularly described as follows, that is to say:

Parcel No. One:
BEGINNING for the same at a point on the northerly right of way line of Waldman Avenue, thirty (30) feet wide directly opposite its intersection with the easterly right of way line of Murray Avenue, twenty-five (25) feet wide, and being designated as Lots 26 and 27 as shown on the Subdivision Plan of Chesapeake Terrace, 15th Election District, Baltimore County, State of Maryland recorded among the Land Records of the aforesaid County and State in PLAT Book 5, Pages 36 and 37.

Parcel No. Two:
BEGINNING for the same at a point on the southerly right of way line of Waldman Avenue, thirty (30) feet wide at its intersection with the easterly right of way line of Murray Avenue, twenty-five (25) feet wide, and designated as Lots 121, 122 and 123 excepting from Lot 123 a 40.0 feet by 25.0 feet parcel of land conveyed to Baltimore County located in the northwest corner of the said Lot 123, said Lots being shown on the aforesaid subdivision Plan of Chesapeake Terrace, said parcels containing 0.4804 and 0.5510 Acres of land, more or less.

Revised 08-27-80



PETITION FOR SPECIAL HEARING

15th District

ZONING: Petition for Special Hearing
LOCATION: Northeast corner and Southeast corner of Waldman Avenue and Murray Avenue
DATE & TIME: Thursday, October 30, 1980 at 9:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the zoning regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve and find that the two properties of the petitioner enjoy and are nonconforming uses for bar, tavern and bar and tavern parking purposes

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Byron A. McCalmont, as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, October 30, 1980 at 9:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

November 27, 1980

Mr. William R. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #50, Zoning Advisory Committee Meeting of September 9, 1980, are as follows:

Property Owner: Byron A. McCalmont
Location: NE/Cor. & S/E/Cor. Waldman Ave. & Murray Ave. E.L. & D.R. 5-5
Existing Zoning: S-5
Proposed Zoning: Special Hearing to approve a non-conforming use for a bar, tavern and bar and tavern parking;
Parcel #1 - 0.4804 & Parcel #2 - 0.5510
Acres: 15th
District: 15th

Metropolitan water and sewer exists, therefore, no health hazards are anticipated.

Very truly yours,

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/mw

10/30
81-90-SPH
granted

ZONING REGULATIONS AND RESTRICTIONS

FOR

BALTIMORE COUNTY

2. Every part of a required yard or court shall be open and unobstructed from its lowest point to the sky, except that uncovered porches, fire escapes, open stairways and chimneys may be permitted where same are so placed as not to obstruct light and ventilation.
3. Steps and unenclosed porches may extend beyond the front building line not to exceed nine feet and shall not exceed one story in height.
B. The Zoning Commissioner of Baltimore County and the Board of Zoning Appeals, upon appeal, shall have and they are hereby given the power to grant exceptions to area, building, location and height regulations in cases where strict compliance with the Zoning Regulations heretofore adopted for Baltimore County would result in practical difficulty, or unnecessary or unreasonable hardship. However, any such exception or exceptions shall only be granted in strict harmony with the spirit and intent of said regulations, and only in such manner as to grant relief without substantial injury to the public health, safety, morals and general welfare. Before granting any such exception the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for an exception in the same manner as in the case of a petition for reclassification. Any order granting an exception shall contain a finding of fact setting forth and specifying the reason or reasons for making such exception, subject, however, to the right of appeal to the Board of Zoning Appeals as heretofore provided by the Zoning Regulations.

SECTION XI--NON-CONFORMING USES

A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such non-conforming use to a conforming use, or any attempt to change from such non-conforming use to a different non-conforming use or any discontinuance of such non-conforming use for a period of one year, or in case a non-conforming structure shall be damaged by fire or otherwise to extent seventy-five (75%) per cent of its value, the right to continue to resume such non-conforming use shall terminate, provided, however, that any such lawful non-conforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original non-conforming use.

SECTION XII--BOUNDARIES OF ZONES

Where uncertainty exists with respect to the boundaries of the various Zones shown on the zoning maps, the following rules shall apply:

1. Unless otherwise shown on the map, the zone boundaries are either streets or alleys, and where a boundary line on the map is approximately along a street or alley line, said street or alley shall be construed to be the boundary.
2. Unless otherwise shown on the maps, the zone boundary lines are intended to be record lot lines, and where a zone boundary line on the map is approximately along a record lot line, said record lot line is intended to be the boundary.
3. Whenever a portion of any zone is indicated upon the zoning map as a strip paralleling a public or dedicated street, the width of this strip, unless delineated on said map by lot lines, or otherwise, shall be assumed to be 150 feet measured at right angles from the line of the street to which it is parallel and adjacent.

SECTION XIII--POWERS RELATIVE TO SPECIAL EXCEPTIONS AND SPECIAL PERMITS

It is hereby determined that the inherent character of the hereinafter mentioned uses require that they be carried on in districts or areas to which they do not conform, or such uses have a peculiar tendency to impair the health, safety and morals of the public, and such uses may be permitted only upon a special permit granted by the Zoning Commissioner, subject to appeal to the Board of Zoning Appeals:

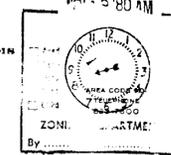
1. In any residential zone a special permit shall be required for the following particular uses:
a. Amusement Park.
b. Antique Shop (operated as a home occupation).

*pl. v. h. 1
45 reg.*

LAW OFFICES OF
NOLAN, PLUMHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

JAMES D. NOLAN
J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. FENNER
KENNETH M. MASTERS
STEPHEN J. NOLAN
WILLIAM R. ENGLEHART, JR.

November 18, 1980



The Hon. Jean M. H. Jung
Deputy Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing, Northeast Corner and Southeast Corner of Waldman Avenue and Murray Avenue, Byron A. McCalmont, Case No. 81-90-SPH.

Dear Commissioner Jung:

Reference is made to my letter dated November 5th concerning the above captioned case. Since that letter I have received from Head Engineering the revised plat, deleting Note No. 14 and also deleting the proposed parking barrier which had been depicted on Lots 122 and 123 of the Chesapeake Terrace subject property.

I am enclosing herewith an original of the revised site plat and I respectfully request that this be made a part of the record as a Petitioner's exhibit in the above captioned case.

I am also forwarding a copy of this letter to Mr. Nicholas B. Commodari, together with three original site plats.

If you or Mr. Commodari, or any member of the Office of Planning and Zoning has any questions with regard to this new revised plat I will be happy to furnish whatever information requested.

Very truly yours,

Stephen J. Nolan
Stephen J. Nolan

SJN/hl

Enclosure

cc: Nicholas B. Commodari, Chairman Wallace Kleid, Esquire
Zoning Advisory Committee (Encs.) Moyer & Kleid

James E. Dyer, Zoning Supervisor John W. Hessian, III, Esquire
Office of Planning and Zoning People's Counsel
Byron A. McCalmont

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: William E. Hammond
Zoning Commissioner Date: October 7, 1980
FROM: Norman B. Gerber, Director
Office of Planning and Zoning
SUBJECT: Petition No. 81-90-SPH Item 50

Petition for Special Hearing
Northeast corner and Southeast corner of Waldman Avenue and
Murray Avenue
Petitioner- Byron A. McCalmont

Fifteenth District

HEARING: Thursday, October 30, 1980 (9:45 A.M.)

There are no comprehensive planning factors requiring comment on this type of petition.

Norman B. Gerber
Norman B. Gerber, Director
Office of Planning and Zoning

NBS:JCH:ab

October 1, 1980

Newton A. Williams, Esquire
Nolan Plumhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Special Hearing - NE/C and SE/C of
Waldman Avenue & Murray Avenue - Byron A. McCalmont
Case No. 81-90-SPH

TIME: 9:45 A.M.

DATE: Thursday, October 30, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 16, 1980

Newton A. Williams, Esquire
Nolan Plumhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
NE/C & SE/C of Waldman Avenue
and Murray Avenue
Byron A. McCalmont
Case No. 81-90-SPH

Dear Mr. Williams:

This is to advise you that \$72.38 is due for advertising
and posting of the above-property.

Please make check payable to Baltimore County, Maryland and
remit to Sondra Jones, Room 113, County Office Building, Towson,
Maryland 21204, before the hearing.

Very truly yours,
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:sj

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 19 day of August, 1980.*

Filing Fee \$25 Received: Check
 Cash
 Other

(50)

William E. Hammond
William E. Hammond, Zoning Commissioner

Petitioner *Byron A. McCalmont*

Submitted by *Nolan Plumhoff*

Petitioner's Attorney *Nolan Plumhoff* Reviewed by *W.E.H.*

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

cc: Fred Engineering
6902 North Point Road
Baltimore, Maryland 21219

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 9th day
of September, 1980

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner *Byron A. McCalmont*

Petitioner's Attorney *Newton A. Williams*

Reviewed by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

81-90-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 10/12/80

Posted for: *Petition for Special Hearing*

Petitioner: *Byron A. McCalmont*

Location of property: *NE/C and SE/C of Waldman & Murray Avenues*

Location of Signs: *at front of parcel 1 (having Waldman) & front of parcel 2 (having McCalmont)*

Remark: *See Colman*

Posted by: *See Colman* Date of return: 10/17/80

Number of Signs: 2

PETITION FOR SPECIAL HEARING

15th DISTRICT
ZONING: Petition for Special Hearing
Location: Northeast corner and Southeast corner of Waldman Avenue and Murray Avenue.
DATE & TIME: Thursday, October 30, 1980 at 9:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by and through the Zoning Commission, shall hold a public hearing on the above-captioned petition for special hearing.

Parcel No. One: Beginning for the same at a point on the northern right of way line of Waldman Avenue, thirty (30) feet wide directly opposite the intersection with the easterly right of way line of Murray Avenue, twenty-five (25) feet wide, and being designated as Lots 26 and 27 as shown on the Subdivision Plan of Chesapeake Terrace, 15th Election District, Baltimore County, State of Maryland recorded among the Land Records of the aforesaid County and State in Plat Book 5, Pages 26 and 27.

Parcel No. Two: Beginning for the same at a point on the southern right of way line of Waldman Avenue, thirty (30) feet wide at its intersection with the easterly right of way line of Murray Avenue, twenty-five (25) feet wide, and designated as Lots 121, 122 and 123 excepting from Lot 122 a 40.0 foot by 25.0 foot parcel of land conveyed to Baltimore County, State of Maryland in the northwest corner of the said Lot 122, said Lot 122 being shown on the aforesaid subdivision plan of Chesapeake Terrace, and parcels containing 0.4604 and 0.5510 acres of land, more or less.

Being the property of Byron A. McCalmont, as shown on plat attached with the Zoning Department's Hearing Data: Thursday, October 30, 1980 at 9:45 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
By Order of:
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 9, 1980

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the _____ day of _____, 1980, the _____ day of _____, 1980, the _____ day of _____, 1980.

THE JEFFERSONIAN,

L. Frank Swartz
Manager.

Cost of Advertisement, \$ _____

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 091780

DATE: October 1, 1980 ACCOUNT: 01-662

AMOUNT \$25.00

RECEIVED FROM: Newton A. Williams, Esquire

FOR: Filing Fee for Case No. 81-90-SPH

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 093524

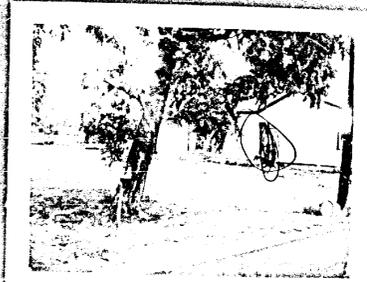
DATE: October 30, 1980 ACCOUNT: 01-662

AMOUNT \$72.38 (Cash)

RECEIVED FROM: Byron McCalmont

FOR: Adv. & Posting for Case No. 81-90-SPH

VALIDATION OR SIGNATURE OF CASHIER



Petition For Special Hearing

15th District
Zoning: Petition for Special Hearing
Location: Northeast corner and Southeast corner of Waldman Avenue and Murray Avenue.
Date & Time: Thursday, October 30, 1980 at 9:45 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by and through the Zoning Commission, shall hold a public hearing on the above-captioned petition for special hearing.

Parcel No. One: Beginning for the same at a point on the northern right of way line of Waldman Avenue, thirty (30) feet wide directly opposite its intersection with the easterly right of way line of Murray Avenue, twenty-five (25) feet wide, and being designated as Lots 26 and 27 as shown on the Subdivision Plan of Chesapeake Terrace, 15th Election District, Baltimore County, State of Maryland recorded among the Land Records of the aforesaid County and State in Plat Book 5, pages 26 and 27.

Parcel No. Two: Beginning for the same at a point on the southern right of way line of Waldman Avenue, thirty (30) feet wide at the intersection with the easterly right of way line of Murray Avenue, twenty-five (25) feet wide, and being designated as Lots 121, 122 and 123 excepting from Lot 122 a 40.0 foot by 25.0 foot parcel of land conveyed to Baltimore County, State of Maryland in the northwest corner of the said Lot 122, said Lot 122 being shown on the aforesaid subdivision plan of Chesapeake Terrace, and parcels containing 0.4604 and 0.5510 acres of land, more or less.

Being the property of Byron A. McCalmont, as shown on plat attached with the Zoning Department's Hearing Data: Thursday, October 30, 1980 at 9:45 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
By Order of:
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County

The Essex Times

Essex, Md., Oct 9 1980

This is to Certify, That the annexed

John D. W. Jones

was inserted in The Essex Times, a newspaper printed and published in Baltimore County, once in

each of one successive

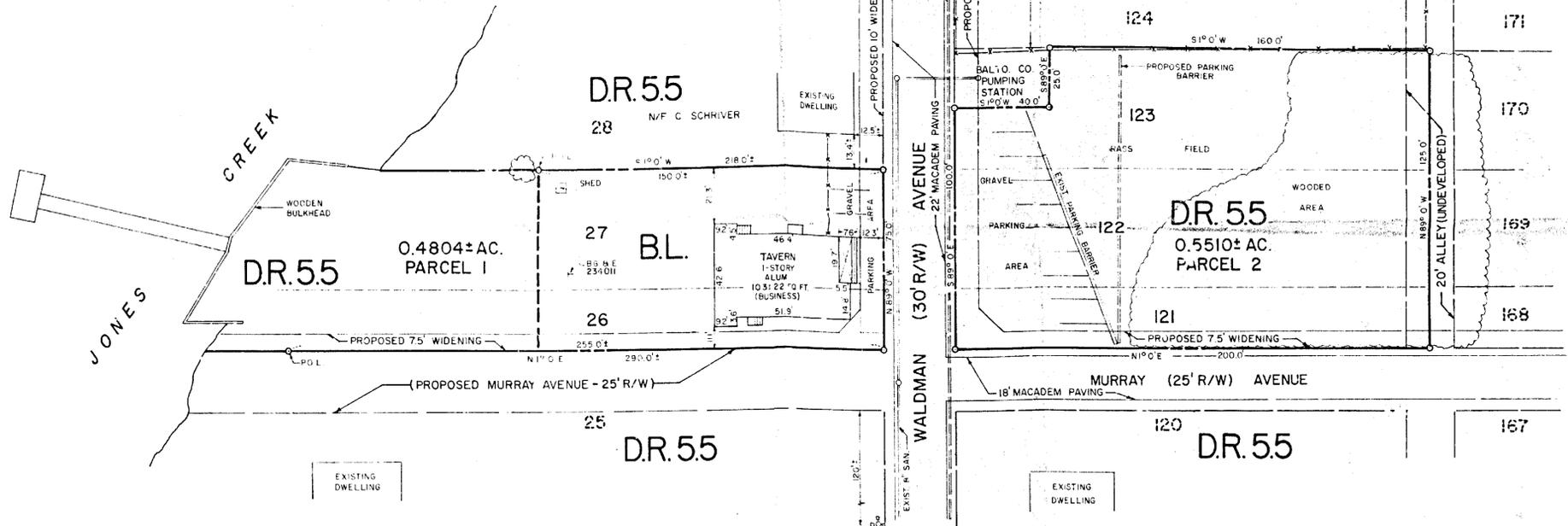
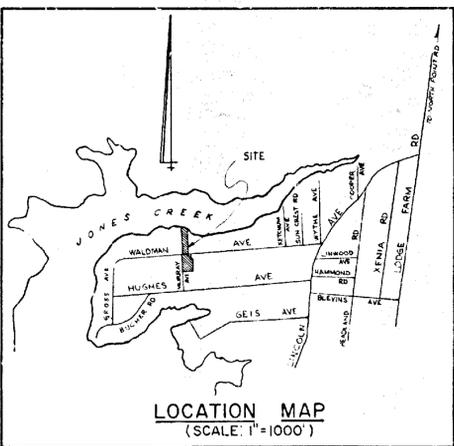
weeks before the 9th day of

Oct, 1980

John D. W. Jones Publisher.

GENERAL NOTES

- GROSS ACREAGE: 1.0314±
- OWNER: BYRON A. McCALMONT
- DEED REFERENCE: LIBER 5406 FOLIO 760
- EXISTING ZONING: B.L. and DR-55
- ADJACENT ZONING: DR-55
- SANITARY SEWER: EXISTING
- WATER SERVICE: EXISTING
- ALL BEARINGS ASSUMED
- UTILITY PLAN REFERENCE: 64-830
- PARKING AREA HAS BEEN EXISTING AS SHOWN SINCE WELL PRIOR TO 1945 ON PARCEL 2.
- PARKING SPACE CALCULATION: 1031.22 ÷ 50 = 20.6 (21 SPACES)
- PLAT BOOK REFERENCE: 5/36-37
- THE TAVERN AND BAR USE, INCLUDING PARKING, HAS BEEN IN CONTINUOUS EXISTENCE SINCE WELL PRIOR TO 1945 ON PARCEL 1.
- THE REAR PORTION OF PARCEL 1 IS OCCASIONALLY USED IN CONNECTION WITH THE TAVERN BUSINESS.



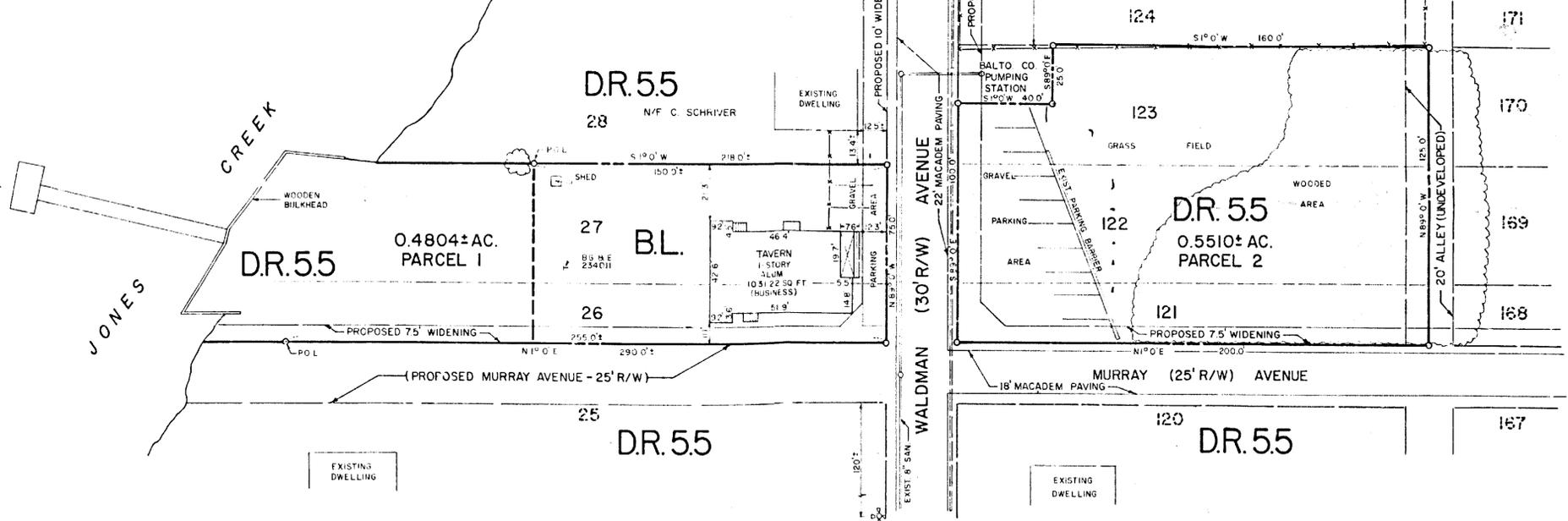
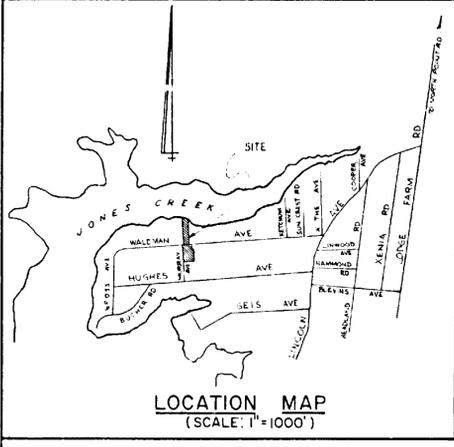
PLAT TO ACCOMPANY SPECIAL HEARING FOR
NON-CONFORMING USE OF TAVERN AND PARKING AREAS
LOTS 26, 27, 121, 122, and 123
"CHESAPEAKE TERRACE"
15TH ELECTION DISTRICT BALTIMORE COUNTY MARYLAND



HEAD	
ENGINEERING AND SURVEYS OF MARYLAND, INC. 6902 NORTH POINT ROAD BALTO., MD. 21219	
SCALE: 1" = 30'	JOB NUMBER: 180211
DATE: AUG. 7, 1980 REV. AUG. 12, 1980	DRAWING BY: J.C. RUSS, JR.

GENERAL NOTES

- GROSS ACREAGE: 1.0314±
- OWNER: BYRON A. McCALMONT
- DEED REFERENCE: LIBER 5406 FOLIO 760
- EXISTING ZONING: B.L. and DR-55
- ADJACENT ZONING: DR-55
- SANITARY SEWER: EXISTING
- WATER SERVICE: EXISTING
- ALL BEARINGS ASSUMED
- UTILITY PLAN REFERENCE: 64-830
- PARKING AREA HAS BEEN EXISTING AS SHOWN SINCE WELL PRIOR TO 1945 ON PARCEL 2.
- PARKING SPACE CALCULATION: 1031.22 ÷ 50 = 20.6 (21 SPACES)
- PLAT BOOK REFERENCE: 5/36-37
- THE TAVERN AND BAR USE, INCLUDING PARKING, HAS BEEN IN CONTINUOUS EXISTENCE SINCE WELL PRIOR TO 1945 ON PARCEL 1.



PLAT TO ACCOMPANY SPECIAL HEARING FOR
NON-CONFORMING USE OF TAVERN AND PARKING AREAS
LOTS 26, 27, 121, 122, and 123
"CHESAPEAKE TERRACE"
15TH ELECTION DISTRICT BALTIMORE COUNTY MARYLAND

HEAD	
ENGINEERING AND SURVEYS OF MARYLAND, INC. 6902 NORTH POINT ROAD BALTO., MD. 21219	
SCALE: 1" = 30'	JOB NUMBER: 180211
DATE: AUG. 7, 1980 REV. AUG. 12, 1980 / NOV. 7, 1980	DRAWING BY: J.C. RUSS, JR.